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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

LANDESK SOFTWARE, INC., a Delaware
corporation, and CRIMSON CORPORATION,
a Delaware corporation,

Plaintiffs,

v.

WAVLINK TECHNOLOGY LTD., a Delaware
corporation,

Defendant.

DEFENDANT’S STATUS REPORT

Case No. 2:16-cv-00400-DN

Judge David Nuffer

Defendant Wavlink Technology Ltd. (“Defendant”), by and through its undersigned counsel, hereby responds to the Court’s Status Report Order (Dkt. 45).

The parties have been “engaged” in settlement discussions since 2017. It has been a daunting task however for Defendant to keep the Plaintiffs engaged. On July 19, 2018, Defendant filed a Request for Settlement Conference (Dkt. 37) because “Plaintiffs **refuse** to communicate with Defendant in a reasonable and timely manner.” Shockingly, Defendant’s request was completely ignored by Plaintiffs until the Court’s Status Report Order (Dkt. 40)

issued on February 19, 2020. And even then, Plaintiffs did not contact Defendant's counsel until March 3, 2020, the day before the status report was due.

Since those few years of inactivity, the parties have gone back and forth a few times negotiating a potential settlement. On March 12, 2021, Defendant sent Plaintiff immaterial redlines to the latest settlement draft. Consistent with its past practice, Plaintiffs did not respond to the redlines until after being pushed by the Court's latest Status Report Order. On June 30, 2021, more than three months after having Defendant's latest redlines, Plaintiffs sent Defendant material changes to the settlement agreement. Due to the holiday, Defendant and its counsel have not had a chance to fully discuss the material changes to the settlement agreement.

Defendant joins with Plaintiffs' request for a status conference. Defendant strongly opposes Plaintiff's request for additional discovery and requests that the Court dismiss the case or set the matter for trial. First, the parties agreed to extend deadlines once before on February 24, 2017. Since that time, Defendant has not agreed to any deadline extensions for discovery, expert reports, expert discovery, dispositive motions, etc. and Defendant has repeatedly made it clear it would not agree to additional discovery due to Plaintiff's prolonged absence in this matter. Secondly, Plaintiff chose not to secure discovery or expert deadline extensions prior to their expiration. Plaintiff at times went over a year without communicating with Defendant despite Defendant's pleas to communicate and finalize a settlement. To reopen discovery unfairly prejudices Defendant. Plaintiffs chose their dilatory path and must live with the consequences.

Dated this 6th day of July, 2021.

STRONG & HANNI

/s/ Casey W. Jones
Casey W. Jones
*Attorneys for Defendant Wavlink
Technology Ltd.*

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July, 2021, the foregoing DEFENDANT'S STATUS REPORT was serviced via CM/ECF Electronic Filing on the following:

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/s/ Corrine Becerra